IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.7339 of 2005

The State of Maharashtra Applicant
Vs.
Maruti Mahadeo Chormale Respondent

Mr.A.S.Shitole, APP for State.
Mr.Sanjay Kshirsagar for respondent.

CORAM: B.H.MARLAPALLE, J.

July 23, 2007.

P.C.

. Heard Mr.Shitole, the learned APP. The respondent was put on trial in Special Case No.28 of 2000 before the learned Special Judge at Pune for the offences punishable under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. He came to be acquitted by the learned Special Judge as per his judgment and order dated 13/5/2005 and hence this application by the learned Public Prosecutor for seeking leave to appeal under Section 378(3) of Cr.P.C.

. As per the prosecution case the accused was at the relevant time Talathi at Alandi, Tal. Khed, Dist. Pune and on 5/1/2000 a trap was laid on him on the complaint that he had demanded money to perform his official duty, by way of gratification. PW 1

Ramdas had submitted an application at Exhibit 23 on 28/7/1998 for cancellation of mutation entry no.5911 as he contended that the area of 92.66 sq.mtrs. was incorrectly shown in the mutation entry no.5911 instead of the area of 22.66 sq.mtrs. and this demand was made 3/1/2000. However, in his cross-examination he admitted that on 5/1/2000 the accused gave him the order and obtained signature and till then there was no talk of bribe money by the accused and the accused did not demand any money from him. The learned Trial Judge, therefore, did not accept the prosecution case that the accused had demanded money to discharge his official functions on 3/1/2000.

. On the issue of acceptance of bribe by the accused, a trap was laid on 5/1/2000 and he was caught receiving Rs.500/- from Ramdas - PW 1. In this regard the trial Court examined the evidence of PW 1 - Ramdas, PW 2 - Dattatraya, PW 3 - SDO Nanasaheb Bothe and PW 4 - Pradeep Mane and it recorded a finding that there was no doubt that the accused had received an amount of Rs.500/- from PW 1 but the said money was received towards the Flag day fund. The reasoning given by the learned trial Judge

in support of this finding is based on the depositions of all the four witnesses and, therefore, it is clear that the said reasoning or the evidence of these four witnesses does not call for reconsiderations by this Court.

. Hence leave to appeal is refused and the application is rejected.

(B.H.MARL